

**MEMORANDUM**

Date: January 28, 2000

To: Honorable John M. Phillips, Presiding Judge  
Monterey County Superior Court

From: Sheriff Gordon Sonné *GS*

Subject: RESPONSE TO 1999 GRAND JURY FINAL REPORT



**METHAMPHETAMINE**

**FINDINGS (1 through 5)**

The Monterey County 1999 Civil Grand Jury finds that:

1. A significant danger from waste by-products related to both the manufacture and usage of methamphetamine places the population-at-large in an at-risk situation. Major meth-makers frequently change the locations of their manufacturing operations making their discovery difficult for law enforcement.
2. Monterey County is the unwitting host to large numbers of individuals involved in the clandestine manufacturing of meth. The profit incentive encourages many individuals to engage in the criminal practice of making of meth.
3. The prevalence of meth-related criminal activities places the population-at-large at increased risk of such crimes as burglary, robbery, and assault.
4. Monterey County is experiencing an increasing incidence of meth-usage and addiction among the population-at-large, especially among youths. Meth manufacturers have developed a multi-level (pyramid) sales scheme.
5. The seizure of assets, including real property of individuals involved in meth-making, is often not being exercised by Monterey County law enforcement.

**MONTEREY COUNTY SHERIFF/CORONER RESPONSE TO FINDINGS:**

1. For every pound of methamphetamine manufactured, five pounds of methamphetamine waste products are generated. The waste material contaminates our environment in the

air, land, and water. Most chemicals involved are carcinogenic and some of them react violently with other chemicals when mixed. Since major meth-makers are mobile in their trade, it is necessary for law enforcement to interface with each other to share intelligence and expertise of the drug trade. Because of the danger to public safety, it is imperative to detect and respond to known meth-labs as soon as possible.

2. The investigation of methamphetamine must be multi-facet. Sources for chemical products, locations of clandestine laboratories, and distribution points, must all be investigated to stop the production process. Seizure and forfeiture laws must be utilized to reduce and stop the profiteering of the product.
3. Methamphetamine is a powerful central nervous system stimulant with psychoactive affects similar to cocaine. Methamphetamine has been traditionally cheaper than cocaine and its affect lasts much longer. The violence and paranoia caused by methamphetamine is notorious. A typical addict of a drug will resort to many illegal actions to obtain his/her daily amount of dosage. The propensity for violence becomes higher with psychoactive drugs such as methamphetamine. Law enforcement officers must be trained as to the danger of all illegal drugs to better protect themselves and the public.
4. Methamphetamine is the drug of the nineties and is becoming the drug of choice for the Western United States and much of the country. The Drug Enforcement Administration has identified California as a "source country" for methamphetamine. As with other illegal drugs, there are always various levels of sellers. There are manufactures, wholesalers, retailers, and street dealers. Due to the large number of potential customers, schools have always been a target of drug dealers. It is important for all school districts to have in place a strong drug policy along with a compressive educational curriculum regarding dangerous drugs.
5. The Monterey County Sheriff's department follows up on all drug-related cases and utilizes the seizure and forfeitures laws, as appropriate. The Sheriff's Department has a standard policy that it will assist other agencies with seizure and forfeiture cases relating to drug investigations. When actual land is involved, the first priority is to ensure there is a process in place that deals with any hazardous waste.

### **RECOMMENDATIONS (1 through 7)**

The 1999 Monterey County Civil Grand Jury recommends:

1. Law Enforcement agencies approach the methamphetamine problem as a distinct entity not related to other drug enforcement activities.
2. Law Enforcement agencies be required to submit information concerning all arrests relating to methamphetamine to the press in the form of press releases rather than simply indicating such incidents in the daily activities log.

3. Law Enforcement agencies develop a coordinated communications plan so that methamphetamine information can be effectively shared by all agencies.
4. The Monterey County Board of Supervisors (BOS) seek the means for funding special methamphetamine-abatement personnel and programs.
5. The BOS seek the means of funding environmental clean up of legally seized, methamphetamine-related properties, and execute the resale of such properties as a means of finding increased anti-methamphetamine activities.
6. The BOS and City Council provide funding for the purchase of a meth-trained canine.
7. The BOS and City Council provide funding for the training and placement of more meth-qualified Deputies in the field.

**MONTEREY COUNTY SHERIFF/CORONER RESPONSE TO RECOMMENDATIONS:**

1. To better utilize assigned personnel, and make them an effective and efficient narcotic officer that can provide the citizens of Monterey County with adequate narcotic enforcement, it is imperative that all narcotic officers have the training and freedom to investigate all types of illegal drugs. The most effective use of a narcotic officer is to insure that the officer is capable of meeting all types of drug threats whether it is investigating a methamphetamine laboratory, a cocaine conversion operation, or a major heroin distribution organization. Many drug traffickers tend to deal in more than just one type of illegal contraband. Although methamphetamine investigations are a priority in Monterey County, other deadly and dangerous drugs must be aggressively investigated.
2. Currently the Sheriff's daily activity log is accessible to all the media. Due to age restrictions and the confidentiality of some cases, it is not feasible to release the names of all persons arrested on methamphetamine charges. The Sheriff's department will continue to issue press releases, as appropriate, and will continue to list such incidences in the Sheriff's daily log.
3. All police agencies in Monterey County share information relating to, not only methamphetamine cases, but also other illegal drugs. Trained personnel have given presentations to law enforcement agencies throughout Monterey County, specifically relating to methamphetamine. The Sheriff's department has tried to recruit peace officers of other Monterey County Police Agencies to work full time with the Sheriff's Narcotic team in an effort to combat all illegal drugs. The Sheriff's Narcotic Division is a member of the South Bay Regional Methamphetamine Taskforce. The Sheriff's Department has an investigator assigned to the Drug Enforcement Administration Taskforce that investigates narcotic traffickers to include traffickers of methamphetamine.

The Sheriff will continue to work closely with all agencies in the sharing of information. The Sheriff's Department will develop a Narcotic Intelligence meeting that will be open to all law enforcement agencies. This meeting will be an organized and routine event and will center on sharing meth-related topics.

4. Currently the Narcotic Enforcement Unit County of Monterey (NEUCOM) addresses investigations, which involve the possession, possession for sale, sales, and manufacturing of methamphetamine. In addition, NEUCOM reaches out to the public and private sectors of Monterey County to educate persons in the hazards of methamphetamine activities. The Sheriff's department will continue this practice. The Sheriff's Department will assist and work with the Board of Supervisor on seeking special abatement programs.
4. The Environmental Protection Agency (EPA) has declared law enforcement the "generator" of hazardous waste material at clandestine laboratories once we seize it. The Department of Justice is notified and responds to all lab sites to dispose of the waste material. The cleanup cost is the responsibility of the landowner. To fund a clean-up program with taxpayer dollars may be a very expensive undertaking.
5. The seizure of real property pursuant to State and Federal Asset Forfeiture laws is evaluated on a case by case basis. Early in the 1990's, as the proliferation of meth labs began spreading throughout the State of California, the California Department of Justice, Bureau of Narcotic Enforcement, began seizing real property after methamphetamine labs were seized. The legislative intent of the asset forfeiture laws was to remove the profit incentive from drug trafficking by seizing and forfeiting anything of value used to facilitate drug trafficking or purchased with drug proceeds. DOJ immediately came to the realization that the seizure of real property was cost prohibitive as the unknown cleanup costs far exceeded the equity value of the real property in most if not all cases. Additionally, the real estate disclosure laws markedly decreased the value of the real property when potential buyers were informed of the past existence of toxic chemicals. Government cannot afford to take on the liability of cleaning up a piece of real property without substantial equity in the property to recoup their costs. Today, there remains the possibility of seizing real property after the discovery of a clandestine laboratory only when it is clear that the equity in the real property would unquestionably exceed the cleanup costs.
6. Currently NEUCOM has a fulltime canine available, which is methamphetamine trained. In addition, the Sheriff's department has a canine assigned to the patrol division, which is methamphetamine trained. There is no immediate demand for another meth-trained canine, however, the Sheriff's department will ensure that it always has the resources to obtain a trained narcotic canine.
7. It is always beneficial to train more meth-qualified deputies in the field. It is the level of training that must be monitored. All deputies should have the basic knowledge regarding

the identification and dangers of methamphetamine. However, a certified meth entry team is highly specialized and requires very specific training and equipment to enter a lab site. This type of meth team must remain organized and focused. Most chemicals involved in a meth lab are carcinogenic. Injury to manufacturers, associates, children, and, responding safety personnel, can be chronic and/or deadly. As of this-date, five of the investigators assigned to the Sheriff Narcotic Team are laboratory certified. The Sheriff is in the process of training four additional narcotic investigators. There are other investigators trained, however they have been rotated out of the Narcotic Division. In addition, the Sheriff's Narcotic Taskforce works in conjunction with the Department of Justice Methamphetamine Lab Unit. Although training and recertification is on going, there is currently a sufficient amount of trained personnel to meet the threat in Monterey County.

Training will be on-going to all deputies so they will be aware of the various aspects of methamphetamine and take appropriate action.

## **COURTHOUSE SECURITY**

### **FINDINGS (1 through 7)**

1. At least one appellate court has ruled that counties may be held responsible to individuals for damages incurred as a result of acts of violence committed against those individuals while in a county building.
2. The lack of problem solving has resulted in the continuance of the threat associated with unsecured public areas. County and Court staff, visitors to the Courthouse, and inmates who are arraigned continue to be exposed to the possibility of a violent act.
3. Videotaping arraignments could significantly improve security at the Courthouse for County and Court staff, visitors to the Courthouse, and inmates, as well as reduce the need for use of the existing holding cells.
4. Establishment of a Courtroom or Courtrooms at the Adult Detention Facility for the purpose of reducing the number of inmates transported and held in the existing holding cells, could significantly improve security at the Courthouse for County and Court staff and visitors to the Courthouse and reduce the need for existing holding cells.
5. Inmates are escorted to Courtrooms and holding cells using an elevator which is utilized at the same time by County and Court staff and Courthouse visitors.
6. Metal detectors are used only at the entrance to some of the Courtrooms during trials.
7. Some County offices have the capability to sound an alarm in the event of a violent act occurring in the Courthouse.

**MONTEREY COUNTY SHERIFF/CORONER RESPONSE TO FINDINGS:**

1. The Sheriff's Department agrees with this finding and is committed to working with the Courts and Board of Supervisors to address security concerns.
2. The Sheriff's Department agrees that the issue of Courthouse security must continue to be addressed. In cooperation with the Courts and CAO, security was increased in the Salinas Courthouse by creating a two person roving patrol. In addition, the duties of the bailiffs were examined and expanded to increase their presence in the Courthouse when court is not in session. The Sheriff's Department is committed to assisting the Courts and CAO in finding a solution to this issue.
3. The Sheriff's Department agrees that video conferencing of arraignments would improve security by the reduction of inmate movement and public access to inmates during the arraignment process. The Corrections Bureau and the King City Court currently use such a system for arraignments. The Sheriff's Department is agreeable to exploring this possibility with the Court.

On the negative side, increased use of video arraignment at the jail would require additional manpower to move inmates from their housing and provide supervision during the arraignment process.

4. The Sheriff's Department could agree with the findings of item 4, however there is no space available at the jail to create a Courtroom or Courtrooms. Limited space is available to handle video arraignments, but not court trials or hearings.

Because the public has the right of access to these proceedings, establishment of a courtroom within the facility would create additional security issues and costs for the jail and would merely shift them from one area to another.

Construction of a Court facility in the immediate proximity of the jail would benefit the Courts and Corrections Bureau in addressing security issues related to inmate movement. Exterior and interior security of the facility could be addressed by construction design.

5. The Sheriff's Department agrees with the findings of item 5. The Sheriff's Department is open to discussions with the Court and CAO to restrict use of the elevator to law enforcement only.

The Board of Supervisors has approved the planning and construction of holding cells in the basement of the North wing Courthouse. As part of the new construction, the elevator will be capable of locking out use by persons other than deputies. Completion of this construction project is scheduled for the year 2001.

6. The Sheriff's Department disagrees with this finding. Metal detectors are present in all courtrooms with the exception of the Marina Courtroom. They are "on" whenever the court is in session. If activated, the bailiff responds. The metal detectors are manned by a deputy during high profile cases which pose a potential security threat; Dept. 3, divorce court; Dept. 5 and 7, Family Court.
7. The Sheriff's Department agrees with this finding and is willing to provide consultation services to County officials concerning the type, location and use of such alarms.

**RECOMMENDATIONS:**

1. The BOS, CAO, and the County Sheriff immediately take reasonable steps to secure the Courthouse better to prevent the possibility of an act of violence.
2. The County acquire metal detectors and video surveillance equipment to monitor activities in the Courthouse.
3. The North Wing west elevator be secured and used solely for the purpose of transporting inmates when they come to the Courthouse for trial.
4. The BOS, CAO and County Sheriff approach the Court concerning implementing video conferencing between the County Jail and Courthouse for arraignment proceedings.
5. The BOS, CAO, and County Sheriff approach the Court concerning establishing a Courtroom or Courtrooms at the Adult Detention Facility.
5. Alarm or "panic" buttons be installed in all non-secured Courthouse complex offices.

**MONTEREY COUNTY SHERIFF/CORONER RESPONSE TO RECOMMENDATIONS:**

1. As stated above, the BOS, CAO, Courts and Sheriff's Department have taken steps to increase security by providing a two man roving patrol of the buildings. The Sheriff's Department has modified the duties of court bailiffs to increase their presence in the building when court is not in session. The Sheriff's Department remains committed to assisting the BOS, CAO and Courts in providing input and services they agree upon. This is of course contingent upon our current budget or new funding.
2. Metal detectors are in use in all Courtrooms except one. Should the County establish a single point access to the Courthouse one or more of the metal detectors could be used at the access point. The Sheriff's Department would recommend a more sophisticated system which allows viewing of package or briefcase contents such as airports use. As a double check system, existing metal detectors could remain in place at courtroom entrances.

The Sheriff's Department also agrees that use of video surveillance equipment be explored as an option.

Both proposals would require personnel to man the metal detectors and monitor the video equipment. Should the County and Courts seek this option, a determination of who should man this position should be made, i.e. would it require a Deputy Sheriff or would a civilian security person be more cost effective?

3. The Sheriff's Department agrees with this recommendation.
4. The Sheriff's Department is amenable to this recommendation, provided funding is made available for equipment and personnel to move inmates from their housing unit to the video conferencing room.
5. The Sheriff's Department is not opposed to discussions concerning this recommendation. The difficulty is the lack of facilities for a courtroom or courtrooms. It must also be remembered that the court process is a public process. Because of this, no courtrooms allowing public access could be created within the facility, they would have to be constructed separately so that security of the facility could be maintained.
6. The Sheriff's Department has no objection to this recommendation and would be willing to act in an advisory capacity to those agencies seeking to install such devices. Details such as who would receive and respond to the "panic" calls would need to be determined before the Sheriff's Department could commit further.